



IAF-14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : C. Tsang
Group Art Unit : 1202
Applicants : Coates et al.
Serial No: : 07/835,964
Filed : February 20, 1992
For : 1,3-OXATHIOLANE NUCLEOSIDE ANALOGUES

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New York, New York
January 13, 1995

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RESPONSE UNDER 37 C.F.R. § 1.111

Sir:

This is in response to the August 9, 1994 Office Action in the above-identified application. Applicants submit concurrently herewith a Petition under 37 C.F.R. § 1.136(a) and the fee required under 37 C.F.R. § 1.17(c) to extend the time for response to that Office Action for a period of three months, up to and including February 9, 1995.

REMARKS

Following the May 23, 1994 Final Office Action and Applicants' response, the Examiner withdrew the pending final rejection and raised a new rejection.

The Examiner has rejected claims 3-5, 10, 21 and 22 under 35 U.S.C. §§ 102 and 103 over European patent publication 382,526 ("EP-382,526") and United States patent 5,047,407. In her rejection, the Examiner has made two arguments.

First, the Examiner argues that the standards for patentability and infringement are the same, i.e., if something